IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.377 OF 1998

Shri Janak Vyas .. Petitioner

V/s

The Union of India .. Respondents

None for the Petitioner.

Shri. R.V. Desai, Senior Counsel for Respondent Nos.1 to 4.

Shri. U.J. Makhija i/b. M/s. Mulla & Mulla Co. for Respondent No.5.

CORAM : DR.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATE : 10TH JANUARY, 2006.

P.C.:

1. None appears for the Petitioner. Shri. R.V.Desai, senior counsel represents the Respondent Nos.1 to 4. Mr. Makhija represents Respondent No.5. By this petition, the Petitioner seeks a direction to the Respondent Nos. 1 to 4 for the compliance of the order passed by the Commissioner of Customs (Appeals) dated 24th June, 1996 and also seeks a direction that in accordance therewith the Respondents should issue detention certificate to the Petitioner for the entire period of detention.

2. We have perused order passed by the Commissioner of Custom (Appeals) dated 24th June, 1996. By the said order, the Commissioner of Custom (Appeals) has set aside the order dated 29th June, 1995 pertaining to the confiscation, valuation and duty liability. The penalty was reduced to Rs.50000/-. As a result of the setting aside of the said order, the Commissioner of Customs (Appeals) has directed that the department should consider the issuance of suitable detention certificate to alleviate the hardship of the Petitioner. The Commissioner of Customs (Appeals) by the said order has also observed that the Appellant had already paid fine amount of Rs.20000/- in terms of the order dated 14th January, 1994 and the same should be adjusted against the penalty payable in terms of the modified order.

3. Shri Desai fairly states that the Respondents will comply with the aforesaid order of the Commissioner of Customs (Appeals) dated 24th June, 1996 within a period of four weeks. Rule is accordingly made absolute, with no order as to costs.

(DR.S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)